

5. Upon information and belief, Phelps Dunbar LLP, not Nautilus, designated the

pages that comprise Exhibit 3 as confidential.

6. Upon information and belief, Phelps Dunbar, LLP is not bound by this Court's Confidentiality Order.

7. Nevertheless, out of an abundance of caution, PSB hereby files this Motion to Seal under Local Civil Rule 5.03(c).

8. A redacted version of the Motion, including exhibits, is to be filed and an unredacted version of the Motion, including exhibits, is being submitted directly to chambers for *in camera* review.

9. PSB did not designate the pages that comprise Exhibit 3 as confidential and does not know the reasons why the responsible party did. PSB takes no position on whether less drastic alternatives to sealing will afford adequate protection or whether the factors governing sealing of documents reflected in controlling case law support the sealing of Exhibit 3.

10. PSB take no position on whether Exhibit 3 should be sealed or the information in its Motion reproduced therefrom should be redacted.

WHEREFORE, for the reasons set forth above, PSB respectfully requests that the Court direct the Office of the Clerk to provide public notice of this motion to seal by docketing the motion in a manner that discloses its nature as a motion to seal and enter an Order allowing PSB to file certain portions of its Motion for Summary Judgment and Exhibit 3 thereto under seal.

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July 21, 2023

Charleston, South Carolina